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United Nations

Report of the Committee on Enforced Disappearances

First session
(8–11 November 2011)

Second session
(26–30 March 2012)

General Assembly
Official Records
Sixty-seventh session
Supplement No. 56 (A/67/56)

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Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Chapter I
Organizational and other matters

A. States parties to the Convention

1. As at 30 March 2012, the closing date of the second session of the Committee on Enforced Disappearances, there were 31 States parties to the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted by the General Assembly in its resolution 61/177 of 20 December 2006 and opened for signature and ratification on 6 February 2007. In accordance with its article 39, paragraph 1, the Convention entered into force on 23 December 2010.

2. A list of States parties to the Convention, as at 30 March 2012, is contained in annex I to the present report.

B. Meetings and sessions

3. The Committee held its first session at the United Nations Office at Geneva from 8 to 11 November 2011. The Committee held six plenary meetings and two days of induction training (CED/C/1/1). The provisional agenda, contained in annex II, was adopted by the Committee at its 1st meeting, with the addition of an item on key issues relating to its work. The first session was opened by Ibrahim Salama, Director of the Human Rights Treaty Division, Office of the High Commissioner for Human Rights, who welcomed the Committee as the tenth United Nations human rights treaty body. He noted that, despite the progress made in combatting enforced disappearances, this grave human rights violation is still prevalent around the world. Mr. Salama stressed the Committee's important role of assisting States in preventing the occurrence of enforced disappearances and addressing barriers faced by victims and their families in obtaining justice and reparation. Mr. Salama informed the Committee about the ongoing treaty body strengthening process and encouraged it to be innovative, in line with the Convention. He wished the Committee a successful and constructive first session.

4. In his opening statement, the Chair of the Committee, Emmanuel Decaux, evoked the suffering of the victims of enforced disappearances and their families and recalled the process leading to the adoption of the Convention, from General Assembly resolution 33/173 on enforced disappearance in 1978, which paved the way to the establishment of the Working Group on Enforced or Involuntary Disappearances. The Chair stressed the importance of close cooperation with the Working Group. He further stressed the importance of working with States parties to the Convention as well as signatories and all Member States as they have the primary responsibility to implement and enforce the Convention.

5. The Committee held its second session at the United Nations Office at Geneva from 26 to 30 March 2012. The Committee held 10 plenary meetings (CED/C/2/1). The provisional agenda, contained in annex II, was adopted by the Committee at its 7th meeting. The second session was opened by United Nations High Commissioner for Human Rights, Navi Pillay, who highlighted the importance of the work of the Committee. In her statement, the High Commissioner stressed the need to strengthen the treaty body system and encouraged the Committee to become involved in this process. She mentioned the Dublin II Outcome as a source of inspiration for the development of the Committee's working methods. The High Commissioner also welcomed the thematic discussion on

women and children to be held during the session and urged the Committee to maintain full focus on this issue in its future proceedings, including through the reporting process.

6. In his opening statement, the Chair of the Committee, Emmanuel Decaux, emphasized the need for a universal ratification of the Convention, which should concern all countries. He stated that the Committee has three priorities: to react to urgent appeals and deal with communications in an effective way with the aim of protecting victims and their relatives; to respond to the reports of States parties in a rapid and innovative way; and to implement the provisions of articles 30, 31, 32, 33 and 34 of the Convention. The Chair emphasized that while the members of the Committee are the guardians of the Convention, it is the common responsibility of all concerned to implement the Convention so that it can bear fruit after 30 years of efforts.

C. Membership and attendance

7. The Committee on Enforced Disappearances was established in accordance with article 26, paragraph 1, of the Convention, with the first 10 members being elected by the Conference of States parties on 31 May 2011.

8. The list of members of the Committee, indicating the duration of their terms of office, is contained in annex III to the present report. All members attended the first two sessions of the Committee.

D. Solemn declaration by members of the Committee

9. At the opening of the first session, on 8 November 2011, the 10 members of the Committee made the solemn declaration provided for under rule 11 of the provisional rules of procedure of the Committee.

E. Election of officers

10. At its first session in November 2011, the Committee considered the provisional rules of procedure regarding election of officers and the composition of the Bureau (rules 15–19) and thereafter proceeded to elect its officers.

11. The Committee elected by consensus the following members of its Bureau for a term of two years, with due regard to equitable geographical representation.

Chair: Emmanuel Decaux (France)

Vice-Chair: Mohammed Al-Obaidi (Iraq)
Suela Janina (Albania)
Mamadou Badio Camara (Senegal)

Rapporteur: Luciano Hazan (Argentina)

F. Induction course

12. The Committee members attended a two-day induction course covering a broad range of aspects of the work of the Committee, as well as possible ways in which the Office of the High Commissioner for Human Rights (OHCHR) could support the work of the Committee.

G. Future sessions of the Committee

13. At its first session in November 2011, in accordance with the calendar of conferences adopted by the General Assembly, the Committee confirmed the date of its second session to be held in Geneva from 26 to 30 March 2012.

14. At its second session in March 2012, in accordance with the calendar of conferences adopted by the General Assembly, the Committee confirmed the date of its third session to be held in Geneva from 29 October to 9 November 2012.

H. Decisions of the Committee

15. At its first session, the Committee took a number of decisions, which are included in annex IV to the present document. The Committee decided to establish three working groups to work on the rules of procedure, to develop reporting guidelines and to develop a "user manual" on individual communications, respectively.

16. The Committee further decided to appoint a Special Rapporteur, a deputy and an alternate to consider urgent action requests and issue interim or protection measures between sessions, as provided for in article 30 of the Convention.

17. The decisions taken by the Committee at its second session are also included in annex IV to the present document. The Committee adopted guidelines and model forms for urgent action requests and the submission of complaints under articles 30 and 31 of the Convention. It also agreed on guidelines for State party reporting under article 29 of the Convention, revised and adopted its rules of procedure, and decided to endorse the Dublin II outcome document on the treaty body strengthening process.

I. Thematic discussions

18. During its second session, the Committee held two thematic discussions in closed sessions on non-State actors and enforced disappearances, and on women and children and enforced disappearances.

19. The thematic discussion on non-State actors and enforced disappearances was held on 28 March 2012. Representatives of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, and of the Geneva Academy of International Humanitarian Law and Human Rights participated. The main purpose of the discussion was to envisage ways to engage States parties on the specific issue of non-State actors and enforced disappearances, as well as to further define and clarify States' obligations under article 3 of the Convention and determine how these obligations differ from the general obligation of States to investigate and prosecute crimes which fall within the boundary of domestic criminal law.

20. The thematic discussion on women, children and enforced disappearances was held on 29 March 2012. Representatives of UNICEF and the International Committee of the Red Cross (ICRC) participated. The purpose of the discussion was to highlight the specificities of the women and children, as provided for under the Convention, in particular, article 25. During the meeting the gender dimension of the enforced disappearance of women victims and relatives of disappeared persons was highlighted and ways to engage States to have a gender focus in their reporting obligations were discussed. The participants also discussed the complex dimension of identifying children victims of enforced disappearance and the implications in balancing the best interests of the child and the interests of their biological families and relatives.

J. International Day of the Victims of Enforced Disappearances

21. In its first session, the Committee noted that the invisibility of the victims of enforced disappearance must not lead to silence on the suffering of the victims and their loved ones. For the victims and their families, the collective remembrance of such crimes and human rights violations is the most effective tool against enforced disappearance. On that note, the Committee welcomed General Assembly resolution 65/209 declaring 30 August, the International Day of the Victims of Enforced Disappearances. The Day not only reminds the world of the human suffering caused by the crime of enforced disappearance, but also demonstrates the determination of the international community to fight against enforced disappearances. The Committee decided to observe a minute of silence to commemorate the victims of enforced disappearances at the beginning of each of its sessions.

K. Promotion of the Convention

22. The Committee issued a press statement on its first session. It decided that information on the Committee's activities and mandate would also be posted on the OHCHR website. In addition, the Committee and the Working Group on Enforced or Involuntary Disappearances issued a statement on their joint meeting held on 9 November 2011 noting the intention of the two bodies to convene joint meetings in the future.

23. On 25 January 2012, the Chair of the Committee addressed a letter to all Member States of the United Nations, encouraging them to ratify the Convention and accept the optional mechanisms for communications, provided for in articles 31 and 32.

24. During its second session, the Committee discussed a strategy to encourage States to ratify the Convention and accept the optional mechanisms for communications. The members of the Committee agreed to organize and participate in activities in their regions to disseminate the Convention and inform about the Committee's protective functions.

L. Joint meeting with the Working Group on Enforced or Involuntary Disappearances

25. On 9 November 2011, the Committee held a joint meeting with the Working Group on Enforced or Involuntary Disappearances. Both bodies agreed to coordinate their work and emphasized their common goal of combating enforced disappearances and putting an end to impunity, while recognizing the specificities of each other's mandates. The two bodies also discussed substantive and procedural matters of common concern.

26. The Committee and the Working Group agreed on the following:

(a) To hold a joint annual meeting in November each year;

(b) To communicate regularly with one another on substantive and procedural issues;

(c) To issue a joint statement on its first joint meeting.

M. Adoption of the report

27. At its second session, the Committee adopted its first report to the General Assembly, covering its first two sessions.

Chapter II
Methods of work

A. Rules of procedure

28. At its first session in November 2011, the Committee adopted its provisional rules of procedure (CED/C/1/R.1/Rev.1). At its second session, the Committee revised and adopted its rules of procedure (CED/C/1).

B. Reporting guidelines

29. At its second session, the Committee completed its discussion of various issues related to the reporting guidelines, and approved the final text (CED/C/2).

C. Working methods

30. During its first two sessions, the Committee used the following as its working languages: Arabic, English, French and Spanish.

31. At its first session, the Committee discussed various issues related to its working methods and agreed to:

(a) Create an in-session working group to review the draft provisional rules of procedure;

(b) Appoint a Special Rapporteur, a deputy and an alternate to consider urgent action requests and issue interim or protection measures between sessions;

(c) Establish a working group to develop guidelines on individual communications, including developing a form for the submission of cases and proposing changes to the existing model complaint form;

(d) Establish a working group to develop treaty-specific reporting guidelines;

(e) Consider adopting session reports, in addition to the Committee's annual reports required by the Convention.

32. The working group mandated to review the provisional rules of procedure focused on article 30 of the Convention, and proposed the following clarification in relation to the admissibility criteria contained in paragraph 2:

(a) The requirement of having duly presented the case to the competent bodies of the State party concerned implies that the complainant should present sufficient documentation to that effect. The Committee does not need to verify the authenticity of the documents provided to find the case admissible;

(b) On the requirement that the same matter is not being examined under another procedure of international investigation or settlement, the Committee would consider it sufficient, at an initial stage, if the person presenting the request makes a declaration to that effect.

33. The Committee identified the following priorities for its initial work:

(a) Encouraging States to ratify or accede to the Convention;

(b) Encouraging States parties to accept the competence of the Committee under articles 31 and 32 of the Convention;

(c) Encouraging State parties to submit their initial reports as soon as possible within the two years provided for under article 29 of the Convention;

(d) Reminding States parties of their obligation under article 4 of the Convention to ensure that enforced disappearances constitutes an offence under their criminal laws;

(e) Establishing the Committee's procedure for considering urgent requests under article 30 of the Convention;

(f) Establishing the Committee's procedure for considering complaints under article 31;

(g) Discussing the Committee's procedure under articles 33 and 34.

34. The Committee identified the following substantive issues as requiring further exploration, possibly through a general comment:

(a) Victim status and standing to submit complaints;

(b) The role of non-State actors in relation to enforced disappearances;

(c) Women and children affected by forced disappearances.

35. The Committee approved the guidelines and forms to facilitate the submission of urgent action requests and communications, as provided for under articles 30 and 31 of the Convention, respectively. The guidelines and forms are attached in annexes V and VI, respectively.

36. The Committee decided to endorse the process for strengthening the treaty bodies as expressed in the Dublin II outcome document, considering that it will positively impact its working methods.

Chapter III
Cooperation with concerned bodies

A. Meeting with States

37. On 11 November 2011, the Committee held a public meeting with States. The meeting was attended by 16 States parties, 10 signatory States and 9 States which have neither signed nor ratified the Convention. The Committee invited the States parties to the Convention to submit their reports as early as possible. It also encouraged States which have not yet done so to ratify the Convention and/or accept the competence of the Committee to consider individual communications. Recalling that article 4 of the Convention requires States parties to criminalize enforced disappearance, the Committee encouraged States parties to amend their national laws accordingly. Several States parties took the floor to welcome the new Committee and to reaffirm their commitment to implementing the Convention.

38. On 29 March 2012, the Committee held a public meeting with States, which was attended by 12 States parties, 6 signatory States, and 6 States which have neither signed nor ratified the Convention. The Chair updated the States on the initial work of the Committee, including the revision and adoption of the rules of procedure, the adoption of State party reporting guidelines as well as the development of practical tools, such as the forms to be used under the urgent action procedure and the individual complaints mechanism provided for under articles 30 and 31, respectively. The Chair briefly explained the mandates of the Committee and of the Working Group on Enforced or Involuntary Disappearances and expressed its commitment to work closely with the Working Group. Several States stressed the importance of the meeting in raising awareness of the importance of the Convention and encouraging States to ratify the Convention.

B. Meeting with United Nations agencies and other mechanisms, intergovernmental organizations and national human rights institutions

39. On 29 March 2012, the Committee held a public meeting with representatives of United Nations agencies and other mechanisms, intergovernmental organizations and national human rights institutions, in which representatives of the Working Group on Enforced or Involuntary Disappearances, UNICEF, ICRC and the International Coordinating Committee of National Human Rights Institutions participated. The participants welcomed the opportunity to share views and experiences with the Committee, and stressed the importance of the Convention as a tool to prevent and fight against enforced disappearances. They expressed their firm commitment to work closely with the Committee. In particular, the representative of the Working Group on Enforced or Involuntary Disappearances emphasized the importance of close cooperation between the Committee and the Working Group in achieving the common goal. The meeting stressed the important role that national human rights institutions could play in urgent actions, communications, follow-up procedures and cooperation during the Committee's country visits.

C. Meeting with non-governmental organizations and other stakeholders

40. On 11 November 2011, the Committee held a public meeting with some 80 representatives from over 30 non-governmental organizations (NGOs). The Committee

welcomed NGOs' support for the Convention and underlined the importance of close cooperation in raising awareness about the Convention. Among the issues discussed were ways and means to protect NGO representatives and human rights defenders working on enforced disappearances from reprisals, NGO engagement with the Committee, the scope of the Committee's mandate and cooperation with the Working Group on Enforced or Involuntary Disappearances.

41. On 27 March 2012, the Committee members participated in a discussion, hosted by the Geneva Academy of International Humanitarian Law and Human Rights, on the future challenges of the Committee.

42. On 29 March 2012, the Committee held a public meeting with non-governmental organizations. The Committee welcomed the support of NGOs and again underlined the importance of close cooperation in raising awareness about the Convention. The Committee highlighted the important role that NGOs play in assisting victims of enforced disappearances and accessing the individual communication procedure. The NGOs welcomed the opportunity to interact with the Committee. During the discussion, the representatives raised their concern over the limited number of States parties that have so far accepted the Committee's competence under articles 31 and 32. They hoped to be able to fully utilize the complaints mechanisms under the Convention in the future.

Chapter IV
Conference of States parties

43. The first meeting of the States parties to the International Convention for the Protection of All Persons from Enforced Disappearance was held on 31 May 2011 at the United Nations Headquarters in New York. The main purpose of the meeting was to elect 10 members of the Committee on Enforced Disappearances. In accordance with article 26 of the Convention, States parties elected by secret ballot 10 members of the Committee on Enforced Disappearances. The list of members indicating the duration of their terms of office can be found in annex III of the present document. In accordance with article 26, paragraph 4, of the Convention, the following members, whose names were chosen by lot, will serve for a period of two years: Mohammed Al-Obaidi (Iraq), Luciano Hazan (Argentina), Juan José López Ortega (Spain), Enoch Mulembe (Zambia) and Kimio Yakushiji (Japan). The remaining elected members will serve for four years.

Chapter V
Reports by States parties under article 29 of the Convention

44. The Committee noted that the reports of 21 States parties are due by the end of 2012, and eight are due in the course of 2013. In that respect, it recalled the obligation of States parties to submit their reports. It encouraged States parties to comply with their reporting obligation under the Convention by referring to the content of article 29 of the Convention, and noted that the reporting guidelines adopted by the Committee at its second session will be sent by notes verbales to all States parties and made available on the Committee's website. Annex VII to the report contains a table showing the due dates for States parties' reports.

Annexes

Annex I

States that have signed, ratified or acceded to the Convention for the Protection of All Persons from Enforced Disappearance as at 30 March 2012

States marked with an asterisk (*) have made declarations recognizing the competence of the Committee under articles 31 and/or 32 of the Convention. The full text of the declarations and reservations made by States Parties can be found at http://treaties.un.org.

Participant	*Signature*	*Accession (a), Ratification*
Albania*	6 February 2007	8 November 2007
Algeria	6 February 2007	
Argentina*	6 February 2007	14 December 2007
Armenia	10 April 2007	24 January 2011
Austria	6 February 2007	
Azerbaijan	6 February 2007	
Belgium*	6 February 2007	2 June 2011
Benin	19 March 2010	
Bolivia (Plurinational State of)	6 February 2007	17 December 2008
Bosnia and Herzegovina	6 February 2007	
Brazil	6 February 2007	29 November 2010
Bulgaria	24 September 2008	
Burkina Faso	6 February 2007	3 December 2009
Burundi	6 February 2007	
Cameroon	6 February 2007	
Cape Verde	6 February 2007	
Chad	6 February 2007	
Chile*	6 February 2007	8 December 2009
Colombia	27 September 2007	
Comoros	6 February 2007	
Congo	6 February 2007	

Participant	*Signature*	*Accession (a), Ratification*
Costa Rica	6 February 2007	16 February 2012
Croatia	6 February 2007	
Cuba*	6 February 2007	2 February 2009
Cyprus	6 February 2007	
Denmark	25 September 2007	
Ecuador*	24 May 2007	20 October 2009
Finland	6 February 2007	
France*	6 February 2007	23 September 2008
Gabon	25 September 2007	19 January 2011
Germany*	26 September 2007	24 September 2009
Ghana	6 February 2007	
Greece	1 October 2008	
Grenada	6 February 2007	
Guatemala	6 February 2007	
Haiti	6 February 2007	
Honduras	6 February 2007	1 April 2008
Iceland	1 October 2008	
India	6 February 2007	
Indonesia	27 September 2010	
Iraq		23 November 2010 (a)
Ireland	29 March 2007	
Italy	3 July 2007	
Japan*	6 February 2007	23 July 2009
Kazakhstan		27 February 2009 (a)
Kenya	6 February 2007	
Lao People's Democratic Republic	29 September 2008	
Lebanon	6 February 2007	
Lesotho	22 September 2010	
Liechtenstein	1 October 2007	
Lithuania	6 February 2007	

Participant	*Signature*	*Accession (a), Ratification*
Luxembourg	6 February 2007	
Madagascar	6 February 2007	
Maldives	6 February 2007	
Mali*	6 February 2007	1 July 2009
Malta	6 February 2007	
Mauritania	27 September 2011	
Mexico	6 February 2007	18 March 2008
Monaco	6 February 2007	
Mongolia	6 February 2007	
Montenegro*	6 February 2007	20 September 2011
Morocco	6 February 2007	
Mozambique	24 December 2008	
Netherlands	29 April 2008	23 March 2011
Niger	6 February 2007	
Nigeria		27 Jul 2009 (a)
Norway	21 December 2007	
Palau	20 September 2011	
Panama	25 September 2007	24 Jun 2011
Paraguay	6 February 2007	3 Aug 2010
Portugal	6 February 2007	
Republic of Moldova	6 February 2007	
Romania	3 December 2008	
Samoa	6 February 2007	
Senegal	6 February 2007	11 December 2008
Serbia*	6 February 2007	18 May 2011
Sierra Leone	6 February 2007	
Slovakia	26 September 2007	
Slovenia	26 September 2007	
Spain*	27 September 2007	24 September 2009
Saint Vincent and the Grenadines	29 March 2010	

Participant	*Signature*	*Accession (a), Ratification*
Swaziland	25 September 2007	
Sweden	6 February 2007	
Switzerland	19 January 2011	
Thailand	9 January 2012	
The former Yugoslav Republic of Macedonia	6 February 2007	
Togo	27 October 2010	
Tunisia	6 February 2007	29 June 2011
Uganda	6 February 2007	
United Republic of Tanzania	29 September 2008	
Uruguay*	6 February 2007	4 March 2009
Vanuatu	6 February 2007	
Venezuela (Bolivarian Republic of)*	21 October 2008	
Zambia	27 September 2010	4 April 2011

Annex II

Agendas of the Committee's first and second sessions

A. Agenda of the first session of the Committee on Enforced Disappearances (8–11 November 2011) (CED/C/1/1)

1. Opening of the session.
2. Solemn declarations by the members of the Committee.
3. Election of the officers.
4. Adoption of the agenda.
5. Two-day induction course.
6. Adoption of the provisional rules of procedure.
7. Matters related to the methods of work of the Committee.
8. Cooperation and consultation with relevant organs, in accordance with article 28 of the Convention, including meeting with the Working Group on Enforced or Involuntary Disappearances.
9. Future meetings.
10. Other matters.

B. Agenda of the second session of the Committee on Enforced Disappearances (26–30 March 2012) (CED/C/2/1)

1. Opening of the session.
2. Minute of silence in remembrance of victims of enforced disappearance.
3. Adoption of the agenda.
4. Provisional rules of procedure.
5. Communications, information and requests received by the Committee.
6. Matters related to the methods of work of the Committee:
   (a) Reporting guidelines;
   (b) Methods of work related to articles 30, 31 and 33 of the Convention;
   (c) Ratification strategy, development of model laws and other matters.
7. Thematic discussions under the Convention.
8. Meeting with United Nations Member States.
9. Meeting with the United Nations agencies, other mechanisms, intergovernmental organizations and national human rights institutions.
10. Meeting with non-governmental organisations and other stakeholders.
11. Programme of work of the third session.

12. Treaty-body strengthening update.

13. Report of the Committee to the General Assembly at its sixty-seventh session.

C. Provisional agenda of the third session of the Committee on Enforced Disappearances (29 October to 9 November 2012)

1. Opening of the session.

2. Minute of silence in remembrance of victims of enforced disappearances.

3. Adoption of the agenda.

4. Communications, information and requests received by the Committee.

5. Matters related to the methods of work of the Committee:

   (a) Methods of work related to articles 30, 31 and 33 of the Convention;

   (b) Ratification strategy, development of model laws and other matters.

6. Consideration of reports of States Parties to the Convention

7. Thematic discussions on:

   (a) Human trafficking and enforced disappearances;

   (b) Principle of non-refoulement, expulsion, extradition under article 16.

8. Day of general discussion on the responsibility of States and the role of non-State actors.

9. Meeting with United Nations Member States.

10. Meeting with the Working Group on Enforced or Involuntary Disappearances, other United Nations agencies and mechanisms, intergovernmental organizations and National human rights institutions.

11. Meeting with non-governmental organizations and other stakeholders.

12. Programme of work of the fourth session.

13. Treaty-body strengthening update.

14. Presentation of the Committee's report to the General Assembly at its sixty-eighth session.

Annex III

Membership of the Committee on Enforced Disappearances and terms of office as at 30 March 2012

Name of member	*State party*	*Term of office expires*
Mr. Mohammed **Al-Obaidi**	Iraq	30 June 2013
Mr. Mamadou Badio **Camara**	Senegal	30 June 2015
Mr. Emmanuel **Decaux**	France	30 June 2015
Mr. Alvaro Garcé **García Y Santos**	Uruguay	30 June 2015
Mr. Luciano **Hazan**	Argentina	30 June 2013
Mr. Rainer **Huhle**	Germany	30 June 2015
Ms. Suela **Janina**	Albania	30 June 2015
Mr. Juan José **López Ortega**	Spain	30 June 2013
Ms. Enoch **Mulembe**	Zambia	30 June 2013
Mr. Kimio **Yakushiji**	Japan	30 June 2013

Annex IV

Decisions adopted by the Committee on Enforced Disappearances during its first and second sessions

A. Decisions adopted by the Committee during its first session

1. The Committee decided to adopt provisional rules of procedure, including revised provision on Article 30.

2. The Committee decided to appoint a Special Rapporteur, a deputy and an alternate to consider urgent action requests and issue interim measures between sessions.

3. The Committee decided to establish a working group, led by Mr. Al-Obaidi, with the support of Mr. Decaux and Ms. Janina, to develop guidelines on reporting, led by Mr. Al-Obaidi.

4. The Committee decided to establish a working group, led by Mr. Yukushiji and Mr. Mulembe, with the support of the three rapporteurs for urgent action requests, to develop a "user manual" on individual communications, including developing a form for the submission of cases and proposing changes to the existing model complaint form.

5. The Committee decided to adopt session reports, in addition to the Committee's annual reports required by the Convention. The Secretariat will prepare the draft report for consideration by the Committee.

6. The Committee decided to cooperate and establish communication with the Working Group on Enforced or Involuntary Disappearances. The Committee further decided to hold joint annual meetings with the Working Group in November.

7. The Committee decided on two themes for general discussion during its second session, namely Women and children in relation to enforced disappearances and Responsibility of States and the role of non-State actors in enforced disappearances.

8. The Committee decided to send letters to States which have signed but not ratified the Convention.

B. Decisions adopted by the Committee during its second session

1. The Committee decided to adopt its rules of procedure.

2. The Committee decided to adopt guidelines and forms for urgent action requests under article 30, and the submission of complaints under article 31.

3. The Committee decide to adopt the guidelines for State party reporting under article 29 of the Convention.

4. The Committee decided to devise a strategy to encourage States to ratify the Convention.

5. The Committee decided to develop model laws and other matters.

6. The Committee decided to adopt its Annual Report to sixty-seventh session of the General Assembly.

7. The Committee decided to endorse the Dublin II outcome document on the treaty body strengthening process.

8. The Committee decided to adopt the informal report of its second session.

9. The Committee decided to adopt the provisional agenda for its third session.

10. The Committee decided to establish a Working Group on rules of procedures regarding the individual complaints mechanism under article 31 of the Convention.

11. The Committee decided that its third session will be held from 29 October to 9 November 2012.

Annex V

Guidelines and form for submitting requests for urgent action under article 30 of the Convention

A. Guidance for submission of requests for urgent action to the Committee on Enforced Disappearances

Article 30 of the International Convention for the Protection of All Persons from Enforced Disappearance grants the Committee on Enforced Disappearances the competence to receive and consider requests, submitted by the relatives of the disappeared person or their legal representatives, their counsel or any person authorized by them, as well as any other person having a legitimate interest, that a disappeared person should be sought and found as a matter of urgency. The requests for urgent action may only be received if the enforced disappearance has occurred in a country that is a State Party to the Convention. A list of States Parties to the Convention can be found at the following link: http://treaties.un.org.

To be considered by the Committee, a request for urgent action:

1. Shall be in writing;

2. Shall not be anonymous;

3. Must refer to a State which is a party to the International Convention for the Protection of All Persons from Enforced Disappearance;

4. Must concern a case of alleged enforced disappearance which normally occurred no longer than 3 months before the request for urgent action or must concern a victim of an alleged enforced disappearance who was last seen no longer than 3 months before the request for urgent action;

5. Must be submitted by relatives of the disappeared person or their legal representatives, their counsel or any person authorized by them, as well as by any other person having a legitimate interest.

The request for urgent action **will not normally** be considered by the Committee:

1. If it has not been duly presented to the competent bodies of the State party concerned, such as those authorized to undertake investigations, where such a possibility exists;

2. If the same matter is being examined under another procedure of international investigation or settlement of the same nature, in particular the Working Group on Enforced or Involuntary Disappearances;

3. If it refers to an enforced disappearance that began before the State concerned became party to the Convention;

4. If the enforced disappearance began more than three months before the request is transmitted to the Committee.

If you wish to submit a request for urgent action, please follow the guidance below as closely as possible. Also, please submit any relevant information which becomes available after you have submitted this form.

Further information on the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the rules of procedure of the Committee can be found at: http://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.asp.

Author(s) of a request for urgent action are recommended to:

- Use the model form enclosed in the following pages.
- Type the request or use capital letters if submitting a hand written request.
- Provide names in full of institutions (security forces, governmental bodies or others). Do not use abbreviated forms.
- Describe facts in a clear and concise fashion, providing only relevant details.
- Limit the length of the request for urgent action to 5 pages (not counting annexes).

Communications can be submitted in all United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish). Annexes can be submitted in any language, preferably with a short summary or indication of the content in one of the United Nations languages.

Send your request for urgent action to:

Committee on Enforced Disappearances
Human Rights Treaties Division
Office of the United Nations High Commissioner for Human Rights (OHCHR)
United Nations Office at Geneva
1211 Geneva 10, Switzerland
Fax: +41 22 917 90 08
E-Mail: ced@ohchr.org

B. Model form for requests for urgent action

The present form provides guidance for those who wish to submit the request for an urgent action to the Committee on Enforced Disappearances under Article 30 of the International Convention for the Protection of All Persons from Enforced Disappearance. Please provide relevant and pertinent information in response to the items listed below. Your request for urgent action should not exceed 5 pages (without Annex).

Please note that all required information concerning the disappeared person, without which the request for urgent action cannot be processed, are in bold and must be completed.

Please note that you must have the authorization from the relatives of the disappeared person, their legal representatives, their counsel or any other person having a legitimate interest, to submit this request to the Committee on Enforced Disappearances.

All other information is not compulsory but its submission could greatly enhance the possibility to locate the victim.

1. Information on the State party concerned

- Name of the State alleged to have committed the enforced disappearances. The State must be a party to the International Convention for the Protection of All Persons from Enforced Disappearances

2. Information concerning the disappeared person

Family
Name (s) _____

First
Name (s) _____

Pseudonyms or other forms besides given name, by which he or she may be known _____

Sex _____

Date of birth or approximate age _____

Was the person a minor (below 18 years old) at the time of the disappearance? _____

Place and country of birth _____

Father's name _____

Mother's name _____

Nationality(ies) _____

Address of usual residence _____

Identity document: Type _____

Number _____

Marital status/Children: _____

Pregnant: Yes No

If the victim is pregnant, please specify the number of months of pregnancy at the time of disappearance _____

If relevant, ethnic background, belonging to an indigenous people or a minority, religious affiliation, membership in political or social group _____

3. Information concerning facts

Please detail the facts and circumstances of the disappearance, including the following information:

(a) Date of arrest, abduction or disappearance _____

(b) Place of arrest, abduction or where the disappearance occurred (be as precise as possible. Indicate street, city, province or any other relevant information) _____

(c) Date when the person was last seen, if different from date of arrest or abduction and by whom (for example if seen in prison months after the initial arrest or abduction) _____

(d) Place where the person was last seen, if different from the place of arrest or abduction and by whom _____

(e) Identity of the State or State-supported forces, entity, or group believed to be responsible for the disappearance

(i) If the perpetrators are believed to be State agents, please specify and indicate who and why they are believed to be responsible. Be as precise as possible (military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, identifications presented, etc.) _____

(ii) If identification as State agents is not possible, specify and indicate which group or entity is believed to be responsible. Please indicate if its members acted with the authorization, support or acquiescence of the State. Explain why you believe that Governmental authorities, or persons linked to them, may be responsible for the incident _____

(f) Please provide a description of how the disappearance took place:

_____

(g) Additional information on the case. Please indicate any other relevant information that could be useful and persons that might have information about the disappearance _____

_____

_____

_____

_____

_____

_____

_____

4. Information concerning the presentation of the request to the competent bodies of the State party concerned

Describe the action taken to locate the person, including to which authority or competent body was addressed: _____

_____

Date: _____

Place: _____

Who initiated the action: _____

Outcome/result (if any): _____

If possible, enclose copies of all relevant documentation, for example administrative decisions, First Information Reports released by the authorities, etc.

5. Information on application to other international procedures

Please provide information whether you have submitted the same matter for examination under another procedure of international investigation or settlement.

If so, please detail:

- Which procedure(s) have been pursued:

_____

_____

_____

- When you submitted your complaint:

_____

_____

_____

- The outcome (if any):

_____

_____

_____

6. Request for interim measure (Optional)

Please indicate expressly if you wish the Committee to request interim measures from the State concerned. The Committee may request the State to provide interim measures in order to prevent irreparable damage to the victim of enforced disappearance _____

_____

_____

_____

_____

7. Information about the author of the request

Person submitting the communication

Family name: _____

First name: _____

Relationship with the disappeared person: _____

Contact details (address, telephone, fax, e-mail): _____

_____

_____

_____

Organization submitting the communication (if applicable)

Contact details (address, telephone, fax, e-mail): _____

_____

_____

8. Confidentiality request

Please state whether you would like your identity to be kept confidential and for which reasons.

Yes, keep my identity confidential: _____

_____

_____

No request for confidentiality

Date: _____

Place: _____

Signature of author: _____

You are reminded that this information is confidential and in no case will be used at the detriment of the author. Should you be the subject of any reprisal, threat, intimidation or any other form or harassment following the submission of the present communication, please inform promptly the Committee on Enforced Disappearances.

Annex VI

Guidelines and form for submitting communications under article 31 of the Convention

A. Guidance for submission of communications to the Committee on Enforced Disappearances

Article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance mandates the Committee on Enforced Disappearances to receive and consider communications (complaints) from, or on behalf of, individuals who claim to be victims of violations of the rights protected by the Convention. The complaints can be received from the date in which the State Party has recognized the competence of the Committee to do so. A list of the States Parties to the Convention and the dates in which they recognized the competence of the Committee can be found at the following link: http://treaties.un.org.

To be considered by the Committee, a communication:

1. Shall be in writing;

2. Shall not be anonymous;

3. Must refer to a State which is a party to International Convention for the Protection of All Persons from Enforced Disappearance **and** has made the declaration in accordance with Article 31 of the Convention;

4. Must be submitted by, or on behalf of, individuals claiming to be a victim of a violation of rights guaranteed by the Convention by a State which is a party to it and has made the declaration in accordance with Article 31. In cases where a communication is submitted on behalf of individuals, their consent is necessary unless the person submitting the communication can justify acting on their behalf without such consent;

5. If referring to an enforced disappearance, must relate to a disappearance which has commenced after the entry into force of the Convention for the State concerned.

A communication will not normally be considered by the Committee:

1. When all effective available domestic remedies have not been exhausted;

2. Where the same matter is being examined by another procedure of international investigation or settlement of the same nature;

In order for a communication to be considered the author(s) of the communication must agree to disclose the victim's or victims' identity to the State against which the violation is alleged. The communication will be brought confidentially to the attention of the State party concerned. Final decisions adopted by the Committee are made public, however, you may request the Committee not to disclose your identity in the final decision concerning your communication.

In your communication or at any time after the submission of it and before a determination on the merits has been reached by the Committee, you may submit a request for interim measures in order to avoid possible irreparable damage to the victim of the alleged violation.

If you wish to submit a communication, please follow the guidance below as closely as possible. Also, please submit any relevant information which becomes available after you have submitted this form.

Further information on the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the rules of procedure of the Committee can be found at: http://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.asp.

Author(s) of a communication are recommended to:

- Use the model form enclosed in the following pages.
- Type the communication or use capital letter if submitting a hand written communication.
- Provide names in full of institutions (security forces, governmental bodies or others). Do not use abbreviated forms.
- Describe facts in a clear and concise fashion, providing only relevant details.
- Limit the length of the communication to 50 pages (not counting annexes).

Communications can be submitted in all United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish). Annexes can be submitted in any language, preferably with a short summary or indication of the content in one of the United Nations languages.

Send your communication to:

Petitions and Inquiries Section
Office of the United Nations High Commissioner for Human Rights (OHCHR)
United Nations Office at Geneva
1211 Geneva 10, Switzerland
Fax: +41 22 917 90 22
E-Mail: petitions@ohchr.org

B. Model form for submission of communications

The following model form provides guidance for those who wish to submit a communication for consideration by the Committee on Enforced Disappearance under Article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance. Please provide relevant and pertinent information in response to the items listed below. Your communication should not exceed 50 pages (without annexes).

1. **Information on the State party concerned**

   - Name of the State party (country) alleged to have committed the violation
     - Which is a party to International Convention for the Protection of All Persons from Enforced Disappearance and
     - Has made the declaration in accordance with Article 31 of the Convention

2. **Information concerning the author(s) of the communication**

   - Family name _____ • First name _____
   - Address of usual residence _____
   - Mailing address for confidential correspondence (if other than present address)

     _____
   - Telephone/e-mail (if available) _____ / _____
   - If you are acting with the knowledge and consent of that person, please provide that person's authorization for you to bring this complaint; or
   - If you are not so authorized, please explain the nature of your relationship with that person: _____
     and detail why you consider it appropriate to bring this complaint on his or her behalf: _____
   - If you wish your identity not to be disclosed in the Committee's final decision concerning your communication, please indicate it: _____

3. **Information concerning the alleged victim(s)**

   If there is a group of individuals alleged to be victims, provide basic information about each individual.

   - Family name _____ • First name _____
   - Sex: _____
   - Date of birth: _____
   - Place and country of birth: _____
   - Nationality (Nationalities)/citizenship: _____
   - Address of usual residence: _____
   - If you wish the victim's identity not to be disclosed in the Committee's final decision concerning your communication, please indicate it: _____

     _____

     _____

   If your communication refers to enforced disappearance of a person(s), also provide the following information about the victim(s), if available (optional):

   - Other names, by which he or she may be known (if applicable/available)

     _____
   - Profession/Occupation/Other relevant activity _____
   - Father's name _____

- Mother's name _____
- If relevant, ethnic background, belonging to an indigenous people or a minority, religious affiliation, membership in political or social group _____

_____

- Identity document (passport, national identity card, voter's card or any other relevant national identity card) _____
- Was the person below 18 years old at the moment of the disappearance?

  Yes No
- Marital Status/Children _____ / _____
- Pregnant Yes No. If yes, please specify if possible the number of months at the time of disappearance _____

4. Facts of the communication and articles violated

- Please detail, in chronological order, the facts and circumstances of the alleged violations. Include all matters which may be relevant to the assessment and consideration of your particular case.
- If possible, identify the articles of the Convention alleged to have been violated.
- Explain how you consider that the facts and circumstances described violated rights of the Convention. If the communication refers to more than one provision, describe each issue separately.

Important: Please note that it is highly recommendable to enclose copies of relevant documentation pertinent to your claims. DO NOT SEND ORIGINALS.

If your communication refers to enforced disappearance of a person(s), include the following information as part of the facts (if possible):

(a) Date of arrest, abduction or disappearance;

(b) Place of arrest, abduction or where the disappearance occurred (be as precise as possible. Indicate street, city, province or any other relevant information);

(c) Date when the person was last seen, if different from date of arrest or abduction (for example: if seen in a prison months after the initial arrest or abduction);

(d) Place where the person was last seen (if different from place of arrest or abduction. For example: if seen in a prison months after the initial arrest or abduction. Please, be as precise as possible. Indicate street, city, province or any other relevant information);

(e) If possible, please, provide a full description of how the disappearance took place;

(f) Identity, if possible, State or State-supported forces, entity, or group believed to be responsible for the disappearance:

(i) If the perpetrators are believed to be State agents, please specify and indicate who and why they are believed to be responsible. Be as precise as possible -military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, identifications presented, etc.;

(ii) If identification as State agents is not possible, specify and indicate which group or entity is believed to be responsible. Please indicate if its members acted

with the authorization, support or acquiescence of the State. Explain why you believe that Governmental authorities, or persons linked to them, may be responsible for the incident;

(g) Additional Information on the case. Please indicate any other relevant information that could be useful.

5. Exhaustion of effective available domestic remedies

Describe the action taken by or on behalf of the alleged victim(s) to obtain redress within the State concerned for the alleged violations. For example, administrative and/or legal proceedings, including:

- Type(s) of remedy sought
- Date(s)
- Place(s)
- Who initiated the action
- Which authority or body was addressed
- Name of court hearing the case (if any)
- Outcome/result (if any)

Domestic remedies need not be exhausted if their application would be unduly prolonged, if they would not be effective, if they are not available to you. If you have not exhausted domestic remedies for these reasons, or for any other, please explain them in detail.

Important: Enclose copies of all relevant documentation (e.g. administrative or court decisions). DO NOT SEND ORIGINALS.

6. Application to other international procedures

Have you submitted the same matter for examination under another procedure of international investigation or settlement (e.g. the Human Rights Committee, the Committee against Torture, or other Committees which monitor the implementation of core international human rights treaties; or regional mechanisms such as the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights the European Court of Human Rights, the African Commission on Human and People's Rights or the African Court on Human and People's Rights)?

If so, please detail:

- Which procedure(s) have been, or are being, pursued
- Which claims you have made
- When you submitted your complaint
- Which was the outcome (if any)

Important: Enclose copies of relevant documentation (e.g. your submission, the final outcome). DO NOT SEND ORIGINALS.

7. Request for interim measures (optional)

You must indicate expressly if you wish the Committee to request interim measures from the State concerned to prevent irreparable damage to the victim of the alleged violation. In that case:

- Describe the victim's personal risk
- Identify the possible irreparable damage
- If possible, indicate the measure(s) that could be taken by the State concerned in order to avoid possible irreparable damage

8. Date and signature

Date/place:

Signature of author(s) and/or victim(s):

9. List of documents attached (do not send originals, only copies)

Author(s) of a communication are required to make sure, before sending the communication form, that all the above mentioned required elements are included. This will allow for a smoother consideration of the case.

Annex VII

Joint Statement by the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances

Geneva, 11 November 2011

The United Nations Committee on Enforced Disappearances and the United Nations Working Group on Enforced or Involuntary Disappearances met for the first time on Wednesday 8 November 2011.

The newly created Committee and the Working Group, which was established in 1980, met to establish methodologies for coordination and for an exchange of experiences and views.

The meeting was attended by the 5 members of the Working Group and the 10 of the Committee from all geographical regions of the world. This allowed a review of the global situation of enforced disappearances.

The new Committee, set up to enforce the International Convention for the Protection of All Persons from Enforced Disappearance, took note of the experiences of the Working Group. The Working Group and the Committee decided to convene joint meetings in the future.

Annex VIII

List of documents before the Committee at its first and second sessions

CED/C/1/1	Provisional agenda and programme of work for the first session of the Committee
CED/C/1/R.1/Rev.1	Provisional rules of procedure of the Committee
CED/C/2/1	Provisional agenda and programme of work for the second session of the Committee
CED/C/2	Reporting guidelines
A/67/55	Report of the Committee on Enforced Disappearances to the sixty-seventh session of the General Assembly
CED/C/3/1	Provisional agenda and programme of work for the third session of the Committee

Annex IX

Schedule for submission of reports by States parties under article 29 of the Convention

State party	*Ratification/Accession*	*Report due*	*Declaration under articles 31 and 32*
Albania	8 November 2007	2012	31 and 32
Argentina	14 December 2007	2012	31 and 32
Armenia	24 January 2011	2013	
Belgium	2 June 2011	2013	31 and 32
Bolivia	17 December 2008	2012	
Brazil	29 November 2010	2012	
Burkina Faso	3 December 2009	2012	
Chile	8 December 2009	2012	31 and 32
Costa Rica	16 February 2012	2014	
Cuba	2 February 2009	2012	
Ecuador	20 October 2009	2012	31 and 32
France	23 September 2008	2012	31 and 32
Gabon	19 January 2011	2013	
Germany	24 September 2009	2012	
Honduras	1 April 2008	2012	
Iraq	23 November 2010	2012	
Japan	23 July 2009	2012	32
Kazakhstan	27 February 2009	2012	
Mali	1 July 2009	2012	31 and 32
Mexico	18 March 2008	2012	
Montenegro	20 September 2011	2013	31 and 32
Netherlands	23 March 2011	2013	31 and 32
Nigeria	27 July 2009	2012	
Panama	24 June 2011	2013	
Paraguay	3 August 2010	2012	

State party	*Ratification/Accession*	*Report due*	*Declaration under articles 31 and 32*
Senegal	11 December 2008	2012	
Serbia	18 May 2011	2013	31 and 32
Spain	24 September 2009	2012	31 and 32
Tunisia	29 June 2011	2013	
Uruguay	4 March 2009	2012	31 and 32